

REMARKS/ARGUMENTS

This is a preliminary amendment in a RCE application. The Office Action mailed February 20, 2004 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-30. Applicant has amended all of the independent claims, claims 1, 10, 17, and 24.

Claim Objections

Claims 10-16 were objected to in numbered paragraphs 2 and 3 of the Office Action mailed February 20, 2004. One of the two semicolons in claim 10 on line 5, has been deleted. Applicant believes this addresses the objections raised in paragraph numbers 2 and 3 of the Office Action mailed February 20, 2004.

35 USC 103 Rejection

In numbered paragraph 5 of the Office Action mailed February 20, 2004, claims 1-30 were rejected under 35 USC 103(a) as allegedly being unpatentable over the primary Noll et al. Reference (U.S. Patent No. 5,732,138) in view of the secondary Owashi et al. Reference (U.S. Patent No. 6,363,210). Applicant has amended all of the independent claims, claims 1, 10, 17, and 24.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include "Ascertaining the differences between the prior art and the claims at issue."

The differences between the primary Noll et al. Reference et al. and Applicants' invention defined by claims 41-43 are that the primary Noll et al. Reference does not show the following elements of Applicant's independent claims 1, 10, 17, and 24:

“means for compressing a media signal, said media signal having the capacity of containing random noise that is completely unpredictable from one moment to the next,” or

“data compression means coupled to receive and compress the media signal containing random noise that is completely unpredictable from one moment to the next into a compressed data stream,” or

“compressing a media signal, said media signal having the capacity of containing random noise that is completely unpredictable from one moment to the next.”

The Noll et al. Reference is limited to a chaotic source. Note that Noll et al. Reference states, “More specifically, the present invention pertains to an apparatus and method for producing a seed for a pseudo-random number generator from hashing the digitization of a chaotic source.” (Col. 1, lines 8-11) The Noll et al. Reference describes chaotic system as, “chaotic systems can be completely or partially predicted over small amounts of time.” (Col. 2, lines 6-7)

The Owashi et al. Reference also fails to show Applicant’s claim elements identified above. Since both references fail to show the elements, there can be no combination of the two references that would show Applicant’s invention defined by amended claims 1-30 and render it unpatentable.

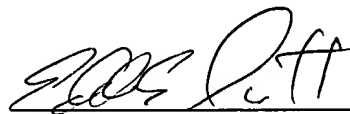
Further, there is no suggestion or motivation to combine the Noll et al. Reference and the Owashi et al. Reference. Under MPEP §2142, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. It should be noted that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since there is no suggestion or motivation to combine the Noll et al. Reference and the

Owashi et al. Reference to produce Applicant's invention, a 35 U. S. C §103(a) rejection of Applicant's amended claims 1-30 would not be appropriate.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action mailed February 20, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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